

DECLARATION of SEAN CUMMINGS

I, Sean Cummings, do hereby declare:

BACKGROUND/EXPERIENCE

1. I am a Special Agent (SA) with the Drug Enforcement Administration (DEA) and have been since 1999. Prior to this, I was a Police Officer and Detective at the Eureka Police Department in Eureka, California. My current assignment is at the Eugene Resident Office in Oregon. My training and experience include completion of the DEA basic training academy. This training included the investigation, detection, and identification of controlled substances. I have consulted and conversed with several other agents and officers from various local, state, and federal agencies on various drug cases, including the distribution of heroin, cocaine, methamphetamine, marijuana and other controlled substances. As a result of this and my own experience and training, I am familiar with heroin, cocaine, methamphetamine, marijuana other controlled substances and the methods employed by traffickers of these narcotics.

PURPOSE OF THIS DECLARATION

2. This declaration is submitted in support of a complaint *in rem* for forfeiture of the property located at 3168 Tanner Park Drive, Eugene, Lane County, Oregon (hereinafter “**Defendant Real Property**”).

PROPERTY IDENTIFICATION

3. The Lane County Assessor’s Summary Report for 2024 showed that Ally Yeh is the owner for the **Defendant Real Property**. The Regional Land Information Database (RLID) is the county records database that shows who owns a particular piece of land, property size and who pays the property taxes. RLID confirmed Ally M. Yeh as the owner of the **Defendant Real**

Property and listed the property as her mailing address. The **Defendant Real Property** includes a home on 0.28 acres, which was purchased on or about 09/30/2019 for \$558,000.

4. The **Defendant Real Property** is within the boundaries of Lane County Tax Lot 18-04-11-21-04300 and further described as:

A tract of land situated at 3168 Tanner Park Drive, Eugene, Lane County, Oregon more fully described as approximately 0.28-acre parcel that contains 1 residential living structure. The property is located on the West side of Tanner Park Drive. It is South of Murry Drive. According to the Lane County real property tax statement the property is at Map and Tax Lot: 18-04-11-21-04300, under account number 1556479 and is listed as owned by Ally Yeh. (hereinafter "Subject Property") as a result of the execution of the state search warrant.

PROBABLE CAUSE

5. In this declaration I will demonstrate, based on the evidence I have reviewed, that there is probable cause to believe, and I do believe that the **Defendant Real Property** was used or intended to be used to facilitate the illegal production, conversion, and distribution of marijuana, in violation of 21 U.S.C. §§ 841, 846, and 856, and is therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(7).

6. The facts in this declaration come from my personal observations, my training and experience and information obtained from other agents, deputies, and officers. This declaration is for the limited purpose of establishing probable cause. Therefore, I have not set forth each fact learned during the investigation, but only those facts and circumstances necessary to establish probable cause.

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SUMMARY OF THE INVESTIGATION

Erdman property

7. On April 26, 2021, a neighbor emailed the Lane County Public Works Land Management Division and reported that he could smell marijuana from an area believed to be 87732 Erdman Way in Veneta, Oregon (Erdman property). On September 6, 2023, the Lane County Sheriff's Office (LCSO) received another email tip from a neighbor residing next to the Erdman property who said that it was being used to grow marijuana and that the smell from the property was so strong it was hard to breathe outside.

8. LCSO contacted both of these complainants. On September 8, 2023, a LCSO Detective was able to smell the odor of marijuana coming from the Erdman property. The complainants said that the people at the property avoided contact with the neighbors and a lot of work is done after dark at the property. On November 16, 2023, a LCSO Detective again confirmed the odor of marijuana coming from the Erdman property. Neither of the complainants had any other issues with the subjects living at the Erdman property beyond the significant smell of marijuana and had not spoken to each other very much.

9. In December 2023, investigators checked the Erdman address through the Oregon Liquor and Cannabis Commission (OLCC) and Oregon Medical Marijuana Program (OMMP) and confirmed that the property was not a legally licensed marijuana grow site at any time after Ally Yeh purchased it.

10. Investigators also determined two utility companies provided electric service to the Erdman property; Emerald People's Utility District (EPUD) is the provider for the residence and Lane Electric is the provider for the large shop on the property. Ally Yeh paid the electric bills, between \$1,779 and \$5,600 per month, for the Erdman property using a combination of

cash, money orders, personal checks, and e-payments. The Erdman property's combined monthly power usage increased significantly from 77 KWH in June of 2020 to 6,888 KWH in July 2020 and then ranged between 20,000 and 25,000 KWH per month from July of 2020 through December of 2023. From these records, investigators determined the amount of electricity and methods used to pay for it were consistent with the illegal cultivation of marijuana.

Defendant Real Property (3168 Tanner Park, Eugene)

11. During the investigation, LCSO Detectives also observed a 2019 Toyota Sienna van bearing Oregon plate ending in LYC in the driveway of the Erdman property. The vehicle was found to be registered to Ally Yeh at a single-family residence on Tanner Park Drive in Eugene, the **Defendant Real Property**. Record searches revealed that in addition to owning the Erdman property and paying the property taxes mostly in cash, Ally Yeh was also the owner of the **Defendant Real Property**, which was purchased on or about 09/30/2019 for \$558,000. From 2020 to 2023, she paid \$44,533.65 in property taxes for the **Defendant Real Property**, also mostly in cash at that property, as shown below:

2020 - \$3,471.20 (cash) Paid on 11/13/20
 2021 - \$3,480.00 (cash) Paid on 02/16/21
 2021 - \$3,470.59 (cash) Paid on 05/12/21
 2021 - \$3,580.02 (cash) Paid on 11/12/21
 2022 - \$3,626.13 (cash) Paid on 02/16/22
 2022 - \$3,578.12 (check) Paid on 05/16/22
 2022 - \$3,870.44 (cash) Paid on 11/15/22
 2023 - \$3,870.45 (cashier check) Paid on 02/14/23
 2023 - \$3,870.45 (E pay IVR) Paid on 05/09/23
 2023- \$11,716.25 (cash) Paid on 11/06/23

12. A subpoena was issued to Eugene Water & Electric Board which provides power for the house on the **Defendant Real Property**, which is zoned Low-Density Residential (R-1)

which precludes it from legally growing marijuana. The power records indicated that the house consumed power generating power bills between \$200 and \$2800 per month. In addition, investigators found that Ally Yeh made the following utility payments for the **Defendant Real**

Property:

10/07/21 - \$1598.79 LKBX
 11/10/21 - \$1445.92 LKBX
 12/10/21 - \$1500.00 LKBX
 02/07/22 - \$1118.25 VISA ending 2209
 02/08/22 - \$2695.74 VISA ending 5048
 04/19/22 - \$1380.00 Cash
 04/19/22 - \$1400.00 Cash
 06/30/22 - \$2253.38 VISA ending 1727
 07/22/22 - \$1343.00 Cash
 08/22/22 - \$1247.00 Cash
 10/31/22 - \$1350.00 Cash
 10/31/22 - \$1080.00 Cash
 12/30/22 - \$2579.25 Visa ending 5048
 02/27/23 - \$2473.15 CARP
 03/22/23 - \$1094.56 LKBX
 06/01/23 - \$2100.00 Cash
 06/20/23 - \$693.79 Walmart pay
 08/03/23 - \$185.73 EPMT
 09/20/23 - \$348.86 Visa ending 9510
 10/13/23 - \$196.06 Visa ending 9510
 11/07/23 - \$196.06 EPMT
 12/13/23 - \$171.01 Visa ending 9510

13. The LCSO Detective and I believe that cash payments made for utilities and the property taxes are a payment method commonly practiced by individuals who illegally manufacture marijuana. This method is common as marijuana manufacturers generally deal in cash with employees and clients. This is often done to circumvent institutional banking as large payments can generate suspicious activity reports and cause individuals to be further investigated by their financial institutions.

14. In 2022 and several times in 2023, I passed by the **Defendant Real Property** and smelled the odor of growing marijuana coming from the residence and the area around the **Defendant Real Property**. In December of 2023, a LCSO Detective checked with Oregon Medical Marijuana Program, Oregon Liquor Control and Cannabis and Oregon Department of Agriculture, finding the **Defendant Real Property** was also not a legally licensed grow site.

Search Warrants

Defendant Real Property Search Warrant:

15. On December 21, 2023, LCSO and DEA served a State of Oregon search warrant at the **Defendant Real Property**, a two-story single-family residence located in a residential neighborhood. Detectives and I observed the residence had significant construction modifications to the downstairs portion, including the creation of three grow rooms that appeared to be operational but currently had no growing marijuana plants. Two of the grow rooms had been bedrooms that had been converted and all three grow rooms had lighting, timers, watering equipment, insulation, fans and large tubs to grow marijuana and keep the water from escaping, as shown below:

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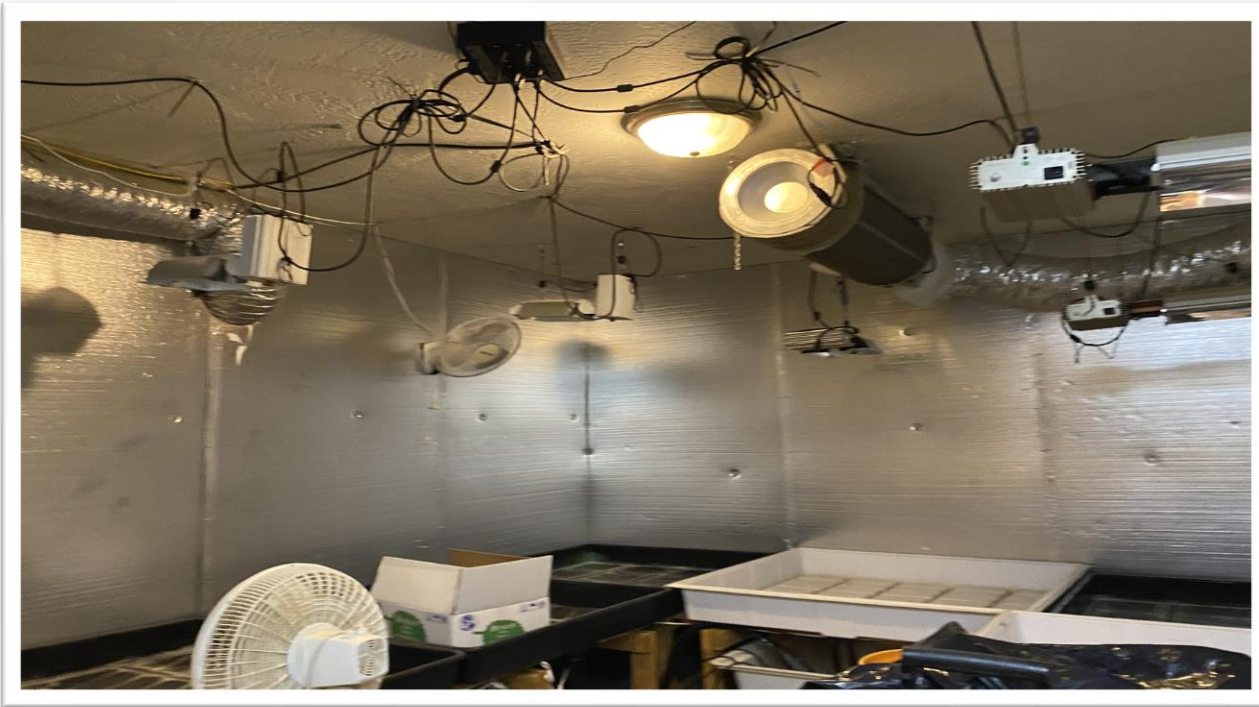
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16. The wiring was very dangerous and hung down low enough to make it a danger to any people that might reside in the residence, causing a City of Eugene code compliance inspector to order the house sealed and the electricity to be turned off immediately. Investigators noted however that the occupation of the house appeared to be very transitory in appearance based on the bedrooms containing just box springs, clothing was strewn about, and there were minimal creature comforts in the residence as if it was being used as a flop house. Mail found at the residence indicated a Zuosi and Jieli Chen were receiving mail there and a Mercedes was located in the garage at the time of the warrant that was registered to Zuosi Chen.¹

17. I saw large plastic tubs, fertilizer, netting, and other assorted supplies commonly used for indoor marijuana grows and investigators located several heat-sealing devices. While

¹ Since the day of the warrant, Investigators have passed by the **Defendant Real Property** several times and it always appears to be uninhabited.

investigators did not see an active marijuana grow at the property at the time of the warrant, the downstairs portion of the house smelled strongly of marijuana and investigators found and seized about one pound of illegal marijuana bud in the downstairs area, as show in the picture below:



18. Inside the residence, investigators also found a State Farm Insurance card for Ally Yeh's 2019 Toyota Sienna seen at the Erdman property. In addition, multiple electric bills from Lane Electric for the Erdman property were also seized along with an invoice (marked paid) from Coastal Range Water Inc. The Coastal Range Water Inc. invoice was for a 1 hp 19 gallon per minute (GPM) sub pump that was installed at the Erdman property on November 22, 2020, which appeared to support the marijuana grow.

19. In the garage of the **Defendant Real Property** there was a substantial amount of equipment and supplies that investigators found were used at both the **Defendant Real Property** and the Erdman property marijuana grow rooms. Investigators found the same lighting, thousands of grow bags, insulation, 2x4's, bamboo sticks, hundreds of plastic pots, carbon filters and vacuum sealers at both the **Defendant Real Property** and also at the Erdman property during the separate warrants, served on the same day.

Erdman Property Search Warrant:

20. On December 21, 2023, DEA and the LCSO also served a State of Oregon search warrant at the Erdman property, 87732 Erdman Way in Veneta, Oregon. During the execution of the warrant at the Erdman property, investigators located a total of 888 marijuana plants growing in the shop and in the residence.

21. Investigators saw that the shop had an open electrical panel with makeshift wiring. They found numerous bags of potting soil and fertilizer. The shop consisted of four rooms equipped with UV lighting, dehumidifiers, fans, and a watering system². In the upstairs portion of the shop there was a processing area with a bin containing trimmed marijuana. Investigators counted 606 plants in the shop and seized several hundred pounds of marijuana shake and trim. from which they took samples and subsequently destroyed the plants, as authorized by the search warrant.

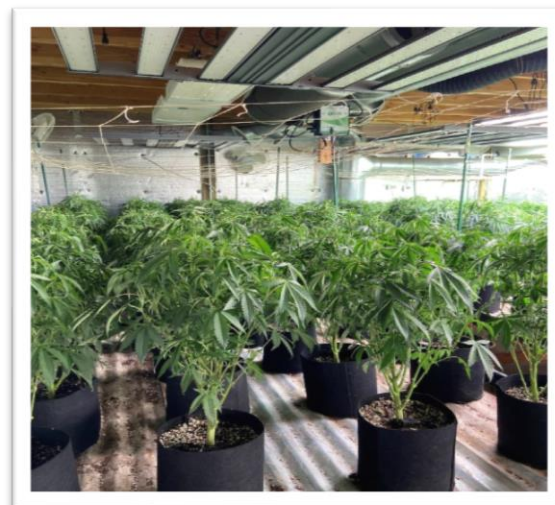
22. Inside the residence of the Erdman property, investigators also found 278 smaller growing marijuana plants. The plants from the shop and the residence tested positively for marijuana using Mobile Detect CBD/THC kits. Investigators took samples of the marijuana plants found during the warrant and subsequently destroyed the plants, as authorized by the search warrant.

23. Below are photographs from the shop area of the indoor marijuana grow operation at the Erdman property, taken during the execution of the search warrant:

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² In my training and experience, these characteristics are all consistent with a large indoor marijuana grow.



24. During the execution of the warrant at the Erdman property, investigators encountered a man named Chao Xiong Situ (Situ). Situ spoke only in a Chinese language, but with the assistance of a telephonic translator, Situ stated that he did not know Ally Yeh. Situ stated he was hired to guard the marijuana grow at the Erdman property by a friend he knew only by a nickname. Although the friend agreed to pay Situ \$100 per day, Situ said he had been there a month and had yet to be paid any money.

Interview of Ally Yeh

25. On December 22, 2023, the day after the service of the search warrants, Ally Yeh stated to LCSO Investigators that she drove from Seattle, Washington to the LCSO in Eugene, Oregon to find out what happened to the houses (**Defendant Real Property** and Erdman Way). The investigators noted that Ally Yeh was very anxious to show them that she booked a room in a local hotel and did not live at the house on Tanner Park, the **Defendant Real Property**.

26. Ally Yeh indicated that the **Defendant Real Property** had at one time been a marijuana grow but she would not provide the names of the people growing there. She also said she had been searching for a contractor to repair the damage at the **Defendant Real Property**, which was caused by the marijuana grow. When investigators asked about the Erdman property,

Ally Yeh told an investigator that she “rented it to a friend” for \$2,800 per month, but she did not know that friend’s name. She admitted to paying the power bills for both the **Defendant Real Property** and the Erdman property, however she denied knowing anything about an illegal marijuana grow at the Erdman property.

27. Ally Yeh also admitted that she bought the 2019 Toyota Sienna, previously seen at the Erdman property, for a friend and kept it insured. Although she gave investigators permission to look at her phone, there were no texts in English that they could read, and they found no images relating to marijuana in the phone.

Related Civil Forfeiture Case Against 87732 Erdman Way

28. On March 27, 2024, I submitted a declaration in support of an *in rem* civil forfeiture complaint against 87732 Erdman Way, Veneta, Oregon, which was assigned to this Court (6:24-cv-00516-MO). The legal and factual allegations made by the government in that matter are similar to those in this new case against **Defendant Real Property**. Ally Yeh is the sole claimant in the Erdman Way case. The government has served discovery requests on Ally Yeh, through her attorney, and the case is pending.

CONCLUSION

29. The evidence in this declaration provides probable cause to believe, and I do believe that the **Defendant Real Property** was used or intended to be used to facilitate the illegal production, and distribution of marijuana, in violation of 21 U.S.C. §§ 841, 846, and 856, and is therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(7).

30. I have presented this declaration to Assistant United States Attorney Christopher Cardani who has advised me that in his opinion, the proposed complaint is supported by probable

cause.

I declare under penalty of perjury that the foregoing is true and correct pursuant to
28 U.S.C. § 1746.

Executed this 6th day of February 2025.

s/ Sean Cummings
Sean Cummings
Special Agent
Drug Enforcement Administration